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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,195	10/21/2003	Ken Shiozaki	USUI-13M	5637

1218 7590 11/10/2004

CASELLA & HESPOS
274 MADISON AVENUE
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EXAMINER

LORENCE, RICHARD M

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,195	Applicant(s) SHIOZAKI ET AL.	
	Examiner Richard M. Lorence	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office action on the merits of Application No. 10/691,195 filed on October 21, 2003. Claims 1-17 are currently pending.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities: In line 16 on page 9 and in line 7 on page 10 "soil" should read - - oil - -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The distinction between the "fan-coupling device" recited in line 1 of claim 1 and the "external control type fan-coupling device" recited in line 23 of claim 1 and in line 1 of each of the dependent claims is unclear.

Lines 6-14 of claim 1 are unclear regarding the valve, dam and oil circulation passage. As best understood the valve 9 opens and closes the oil feed adjusting hole 8 formed in the partition, while the dam is formed on the inner circumference of the cover 2-2.

The "portion" recited in line 9 of claim 1 is unclear.

The recitation of "a cover" in line 10 of claim 1 appears to constitute a double inclusion of the cover recited in line 3.

The location of the bearing or bracket set forth in lines 15-16 is not understood. The side of the sump of the housing would presumably be inside the housing.

In lines 2-3 of claim 2 "said magnetic member of the integral structure" lacks proper antecedent basis, since as pointed out in lines 24-25 of claim 1 the magnetic member can have either an integral or a split structure. It is suggested that in claim 2, line 2 "of the" be changed to - - is an - -, and in line 3 "is" be deleted.

Claim 4 recites the limitations "said ring-shaped space", "said inner ring" and "said outer ring" in lines 2-4. There is insufficient antecedent basis for these limitations in the claim.

In lines 2-3 of claim 5 "said magnetic member of the split structure" lacks proper antecedent basis, since as pointed out in lines 24-25 of claim 1 the magnetic member can have either an integral or a split structure. It is suggested that in claim 2, line 2 "of the" be changed to - - is a - -, and in line 3 "is" be deleted.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16 and 17 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al. '138 which discloses an externally controlled fan coupling device 1 including the casing 2, cover 2', bearing 12, rotary shaft 3, drive disk 6, partition 8, sump 9, torque transmission chamber 7, valve member 11, dam 14, oil passages 10, 13, electromagnet 20, bracket 19, and the magnetic members 21 for directing the magnetic flux generated by the magnet to the valve member.

Claims 1, 5, 16 and 17 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Augenstein et al. '283 which discloses an externally controlled fan coupling device 1 including the casing 1b, cover 1a, bearings 6 and 28, rotary shaft 3, drive disk 2, partition 12, sump 11, torque transmission chamber 9, valve member 15, oil passages 29, 13, electromagnet 24, and the magnetic ring 21 for directing the magnetic flux generated by the magnet to the valve member. The ring as seen in Figure 3 is split between the areas 30.

Allowable Subject Matter

Claims 2-4 and 6-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Prior Art Citation

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the prior art references cited by applicant in the Information Disclosure Statement filed on October 23, 2003 have been considered. The examiner further cites Brown '643, Herrle et al. '594, Shiozaki et al. '075 and Martin et al. '750 (EP) which show viscous fluid couplings having a valve actuated by an electromagnet; and Tabuchi et al. '560 and Bisaga '818 which show electromagnetic clutch rotors having flux directing structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (703) 308-3062. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard M. Lorence
Primary Examiner
Art Unit 3681

Lorence/rml